

# February 2006

## Update: Criminal Procedure Monograph 4—Felony Arraignments in District Court (Third Edition)

### Part A—Commentary on Felony Arraignments

#### 4.4 Record Requirements

Effective December 27, 2005, 2005 PA 326 repealed MCL 600.8611. Therefore, delete the reference to MCL 600.8611 after the first sentence in the paragraph on page 7.

## Part B—Commentary on Felony Pleas in District Court

### 4.25 Guilty and Nolo Contendere Pleas

#### A. Plea Must Be Understanding

Effective January 1, 2006, MCR 6.302 was amended to further specify the information that may be communicated in writing to a defendant pleading guilty or no contest. Delete the paragraph and corresponding side note at the bottom of page 37 and insert the following text immediately before subsection (B) on page 38:

The district court judge may communicate the advice required in MCR 6.302(B)(3) and (B)(5) “by a writing on a form approved by the State Court Administrative Office. If a court uses a writing, the court shall address the defendant and obtain from the defendant orally on the record a statement that the rights were read and understood and a waiver of those rights. The waiver may be obtained without repeating the individual rights.” MCR 6.302(B).\*

**Note:** Prior to the January 1, 2006, amendment to MCR 6.302(B), a court could communicate in writing the rights contained in MCR 6.302(B)(1)–(3). The amended court rule permits a court to communicate in writing only the rights listed in MCR 6.302(B)(3)—as amended, the court rule no longer allows written communication of the rights contained in MCR 6.302(B)(1) and (2). However, the amended court rule now permits a court to communicate in writing the information contained in MCR 6.302(B)(5)—information not previously authorized in the rule as information communicable to a defendant in writing.

\*As amended,  
effective  
January 1,  
2006.